



### REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-18 are now present in the application. Claims 1, 2, 5, 8, 10, 13 and 15 have been amended. Claims 1, 2, 5 and 8 are independent. Reconsideration of this application, as amended, is respectfully requested.

### **Reasons For Entry Of Amendments**

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. § 112 and 103 are improper and should immediately be withdrawn. Accordingly, the finality of the Final Office Action mailed on June 27, 2006 should be withdrawn.

If the Examiner persists in maintaining his rejections, Applicants submit that this Amendment was not presented at an earlier date in view of the fact that Applicants are responding to a new ground of rejection set forth in the Final Office Action. In accordance with the requirements of 37 C.F.R. §1.116, Applicants respectfully request entry and consideration of the foregoing amendments as they remove issues for appeal.

### **Allowable Subject Matter**

The Examiner has indicated that dependent claims 2, 3, 5, 6, 8 and 9 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

By the present amendment, claims 2, 5 and 8 have been rewritten in independent form to include the subject matter of their base claim 1, which were indicated by the Examiner as including allowable subject matter. Accordingly, it is believed that claims 2, 5 and 8 and their dependent claims 3, 6 and 9-11 are in condition for allowance.

### **Drawings**

The Examiner did not indicate whether or not the formal drawings have been accepted. Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

### **Specification Objections**

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter. In view of the foregoing amendments to the claims, it is respectfully submitted that these objections have been addressed.

In particular, the term “a heat exchanger housing” in claim 7 is described on page 7, lines 3-9 and in FIG. 3 (shown aby the reference numeral 30 in FIG. 3), which is different from the supporting rib 40 in FIG. 3. As shown in FIG. 3, the supporting rib 40 is within the heat exchanger housing 30.

Accordingly, Applicants respectfully submit that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of this objection are respectfully requested.

### **Claim Rejections Under 35 U.S.C. §112**

Claims 10, 11, 13-16 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 10, 11, 13-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that these rejections have been addressed. Accordingly, all pending claims now comply with the written description requirement and are definite and clear. Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first and second paragraphs, are therefore respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 4, 7, 12, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lee, U.S. Patent No. 4,852,642. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In light of the foregoing amendments, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. While not conceding to the Examiner's rejection, but merely to expedite prosecution, as the Examiner will note, independent claim 1 has been amended to recite a combination of elements including "a plurality of heat exchanging elements mounted at an outer circumferential surface of the shaft, the heat exchanging elements being rotatable on the shaft by the air flow to enter into and out of the outdoor air passage and the

indoor air passage, thereby exchanging heat between air in the outdoor air passage and air in the indoor air passage.” Support for the above combination of elements can be found in FIG. 3 and the corresponding description in the specification. Applicants respectfully submit that the above combination of elements as set forth in amended independent claim 1 is not disclosed or suggested by the reference relied on by the Examiner.

Lee discloses a heat exchange device. The Examiner referred to the elements 78 and 80 as shown in FIGs. 6 and 7 of Lee as the heat exchanging elements. As shown in FIGs. 6 and 7 of Lee, the elements 78 and 80 are rotatable in the inner air passage, and the elements 32 and 34 are rotatable in the outer air passage. However, the elements 78 and 80 always stay in the inner air passage, and never enter out of the inner air passage or enter into and out of the outer air passage. Similarly, the elements 32 and 34 always stay in the outer air passage, and never enter out of the outer air passage or enter into and out of the inner air passage.

Unlike Lee, the heat exchanging elements of the present invention enter into and out of the outdoor air passage and the indoor air passage to exchange the heat between air in the outdoor air passage and air in the indoor air passage. For example, as shown in FIG. 3, the heat exchanging elements in the indoor air passage 4 absorb the heat from the air in the indoor air passage 4, then enter out of the indoor air passage 4 and into the outdoor air passage 2 to release the heat to the air in the outdoor air passage 2, and finally enter out of the outdoor air passage 2 and into the indoor air passage 2. This feature is clearly absent from Lee. Therefore, Lee fails to teach “a plurality of heat exchanging elements mounted at an outer circumferential surface of the shaft, the heat exchanging elements being rotatable on the shaft by the air flow to enter into and out of the outdoor air passage and the indoor air passage, thereby exchanging heat between air in

the outdoor air passage and air in the indoor air passage" as recited in amended independent claim 1.

Since Lee fails to teach each and every limitation of amended independent claim 1, Applicants respectfully submit that amended independent claim 1 clearly defines the present invention over Lee.

In addition, claims 4, 7, 12, 17 and 18 depend, either directly or indirectly, from independent claim 1, and are therefore allowable based on their respective dependence from independent claim 1, which are believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 1, 4, 7, 12, 17 and 18 clearly define the present invention over the reference relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

### CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

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Amendment dated October 27, 2006  
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By James T. Eller

James T. Eller, Jr.

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

*[Signature]*